

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 06CR285-WKW
	)	
DARRYL ANDRE KENNEDY	)	

**ORDER**

This matter is before the court on the Motion to Suppress Evidence (Doc. #11) filed by the defendant on February 15, 2007. On February 20, 2007, this court set the matter for an Evidentiary Hearing to be held on March 21, 2007 (Doc. #17).

Upon further review of the motion by defendant, this court has determined that they Motion to Suppress actually addresses an issue of discovery, specifically, the indecipherable nature of the tape recordings provided to defendant. Therefore, it is

ORDERED that the Evidentiary Hearing on this motion scheduled is CANCELLED.  
It is further

ORDERED that the government shall certify in writing on or before March 8, 2007, that it has fully and completely disclosed the tape recordings and provided defendant with a copy that is representative of the kind and quality that the government possesses, and if it has not, it is further

ORDERED the government show cause by March 8, 2007, why they have not complied with their discovery obligations.

Please note that attached to the Order on Arraignment is this Court's Standing Order

on Criminal Discovery which provides that defendant confer with opposing counsel prior to filing the motion, and “no motion will be considered by the court unless it is accompanied by a certification of such conference and a statement of the moving party’s good faith efforts to resolve the subject matter of the motion by agreement with opposing counsel.”

DONE this 28th day of February, 2007.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE